

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Akito Kuramata et al

Serial No.: 09/313,764

Filed: May 18, 1999



Group Art Unit: 2823

Examiner: W. Coleman

For: OPTICAL SEMICONDUCTOR DEVICE HAVING AN EPITAXIAL LAYER OF III-V COMPOUND SEMICONDUCTOR MATERIAL CONTAINING N AS A GROUP V ELEMENT

RESPONSE TO RESTRICTION REQUIREMENT

Director of Patents and Trademarks
Washington, D.C. 20231

February 15, 2001

Sir:

This is in response to the Office Action of January 16, 2001, requiring restriction between two alleged inventions under the provisions of 35 USC § 121.

In the Action, the examiner has made a restriction requirement between the inventions of Group I drawn to a semiconductor device (claims 1-4, 6-13 and 18-24) and Group II drawn to a method of making a semiconductor device (claims 5 and 14-17).

Applicants hereby provisionally elect Group I, that is, claims 1-4, 6-13 and 18-24 for examination on the merits in this application. Applicants reserve the right to file one or more divisional applications directed to the subject matter of the non-elected claims.

Favorable consideration of the subject application is respectfully requested.

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In the event this paper is not timely filed, the undersigned hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 01-2340, along with any other additional fees which may be required with respect to this response.

Respectfully submitted,

ARMSTRONG, WESTERMAN, HATTORI,
McLELAND & NAUGHTON LLP

A handwritten signature in black ink, appearing to read 'Donald W. Hanson', with a long horizontal flourish extending to the right.

Donald W. Hanson
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